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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,763	02/05/2004	Peter Sim	10824-016001	5572
20/985 7590 05/23/2008 FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER HOMAYOUNMEHR, FARID				
ART UNIT 2139		PAPER NUMBER		
MAIL DATE 05/23/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/773,763

Applicant(s)

SIM, PETER

Examiner

Farid Homayounmehr

Art Unit

2139

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-22 and 24.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues that the reference Low does not teach the claim requirements. Specifically, applicant argues:

"In that regard, the Examiner's statement in the "Response to Arguments" section of the Office Action is respectfully traversed.¹ For example, the Examiner states that "[i]t is also specifically mentioned in Low that cipher processing involves encryption and decryption (see for example col. 6 lines 36 to 51 and col. 7 line 26 to 35)." Contrary to the Examiner's assertion, col. 6 lines 36 to 51 of Low describes a "cipher processor [that] decrypts the packet data" and col. 7 line 26 to 35 of Low does not talk about cipher processor, but describes a "DES encryption engine [that] strip[s] the header from a packet and provide[s] the data to be encrypted by the processor" Because Low's cipher processor and the DES encryption engine are different components, Low does not disclose a cipher processor that performs both encryption and decryption functions as required by claim 1."

However, Low clearly teaches both encryption and decryption by a cipher system, as indicated by Examiner's cited portions. Applicant argues that the encryption is performed by one element (DES encryption engine), and decryption by another (cipher processor). Even if arguendo applicant's association is accurate, Low still teaches the claim requirements, as the claim requirements have no conflict with performing encryption and decryption by two elements. In other words, the claims at hand require a cipher system to perform both encryption and decryption. The system can comprise multiple elements, such as the DES encryption Engine, and the cipher processor. Therefore, Low still meets the claim requirements, and applicant's argument is not persuasive.

Applicant's additional arguments are based on the requirement that a processor should perform both encryption and decryption. However, as discussed above, such requirement is not found in claims at hand. The claims require a system to perform encryption and decryption, and Low teaches the same. In addition, as indicated in the Final rejection of claim 1, Low teaches dedicated elements to perform cipher processing for different formats, and therefore the combination of Minear and Low teaches all claim requirements.

Applicant's argument relative to claim 12 is similar to their argument relative to claim 1. Applicant's argument relative to the dependent claims is based on their dependency to claims 1 or 12. Accordingly, applicant's argument is found non persuasive, and all the associated rejections are maintained..